§821. Eminent domain

When the Governor has issued a proclamation in accordance with section 742 and, when in the Governor's judgment for the protection and welfare of the State and its inhabitants, the situation requires it as a matter of public necessity or convenience, the Governor may take possession of any real or personal property located within the State for public uses in furtherance of this chapter. [RR 2019, c. 1, Pt. B, §49 (COR).]

1. Real property. If real estate is seized under this section, a declaration of the property seized, containing a full and complete description, shall be filed with the register of deeds for the county in which the seizure is located and a copy of that declaration shall be furnished to the owner.
[PL 1983, c. 460, §3 (NEW).]

2. Personal property. If personal property is seized under this section, there shall be entered, upon a docket containing a permanent record, a description of that personal property and its condition when seized, and there shall be furnished to the owner of the seized property a true copy of the docket recording.
[PL 1983, c. 460, §3 (NEW).]

3. Compensation. The Governor shall award reasonable compensation to the owners of the property that the Governor takes under this section and for its use and for any injury thereto or destruction thereof caused by that use.
[RR 2019, c. 1, Pt. B, §50 (COR).]

4. Appeal. The owner of property of which possession has been taken under this section and to whom no award has been made or who is dissatisfied with the amount awarded the owner as compensation may bring an action in the Superior Court in the county in which the owner lives or has a usual place of business or in the County of Kennebec to have the amount of damages to which the owner is entitled determined. The plaintiff may bring the action within 6 years after the date when possession of the property was taken under this section, except that, if the owner of the property is in the military service of the United States at any time during which the owner should otherwise have brought the action, the owner may bring the action within 6 years after the owner's discharge from that military service. The plaintiff and the State severally have the right to have the damages assessed by a jury.
[RR 2019, c. 1, Pt. B, §51 (COR).]

5. Continuation of right of action. In the event the owner of property seized under this section dies, preventing the owner from bringing or continuing the action provided in subsection 4, the owner's executor or administrator may bring or continue the action.
[RR 2019, c. 1, Pt. B, §52 (COR).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). RR 2019, c. 1, Pt. B, §§49-52 (COR).

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